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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/476, 202	01/03/00	NOTI	J 052544-0108

MARK A KASSEK  
FOLEY & LARDNER  
P O BOX 1497  
MADISON WI 53701-1497

HZ12/0910

EXAMINER
KATCHERES, K

ART UNIT	PAPER NUMBER
1636	

DATE MAILED 9/10/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**



# UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE  
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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09/476202	03 July 2000	NOTI, JOHN D.	052544-0108

EXAMINER

KATCHEVES

ART UNIT	PAPER
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1636 13

DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

## Commissioner of Patents

The communication filed 11 May 2001 is not fully responsive to the Office communication mailed 1 August 2001 for the reason(s) set forth on the attached Notice To Comply With The Sequence Rules or CRF Diskette Problem Report. The sequence listing contains major format errors as set forth in the attached Raw Sequence Listing Error Report. Applicant must comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825) before the application can be examined under 35 U.S.C. §§ 131 and 132.

Since the reply appears to be *bona fide* attempt to comply with the requirements of the sequence rules (37 CFR 1.821 - 1.825), applicant is given a TIME PERIOD of **ONE (1) MONTH** from the mailing date of this communication within which to correct the deficiency so as to comply with the sequence rules (37 CFR 1.821 - 1.825) in order to avoid abandonment of the application under 37 CFR 1.821(g). EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication should be directed to Examiner Konstantina Katcheves, Art Unit 1636, whose telephone number is (703) 305-1999.

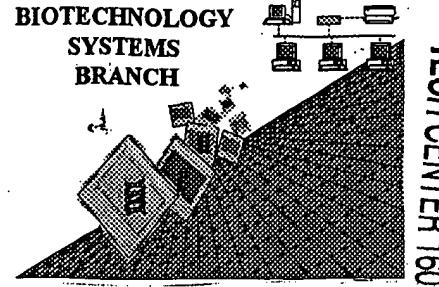
Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0196.

REMY YUCEL, PH.D  
PRIMARY EXAMINER

#12

RECEIVED

AUG 31 2001



## RAW SEQUENCE LISTING ERROR REPORT

The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/476,202

Source: 1636

Date Processed by STIC: 7/26/2001

**THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.**

**PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:**

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

**FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.**

**FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.**

**PATENTIN 2.1 e-mail help: [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or phone 703-306-4119 (R. Wax)**

**PATENTIN 3.0 e-mail help: [patin3help@uspto.gov](mailto:patin3help@uspto.gov) or phone 703-306-4119 (R. Wax)**

**TO REDUCE ERRORRED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 3.0 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW:**

### **Checker Version 3.0**

The Checker Version 3.0 application is a state-of the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 – 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST.25.

Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2K-compliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO).

Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

**Checker Version 3.0 can be down loaded from the USPTO website at the following address:**  
**<http://www.uspto.gov/web/offices/pac/checker>**

RAW SEQUENCE LISTING  
PATENT APPLICATION: US/09/476,202

DATE: 07/26/2001  
TIME: 16:18:45

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C--> 3 <141> CURRENT FILING DATE: 2000-01-03

Does Not Comply  
Corrected Diskette Needed

#### ERRORED SEQUENCES

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All  
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8/14/96, 202

2

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PROMOTER AND CONSTRUCTS CONTAINING SAME<130> 052544/0108<140> US  
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sample of submitted file  
major format error  
please contact Robert Wax at 703-306-4119  
or 703-308-4216  
for assistance

<b>Notice to Comply</b>	Application No.	Applicant(s)	
	09/476202	Noti	
	Examiner Konstantina Katcheves	Art Unit 1636	

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other:

**Applicant Must Provide:**

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

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